IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 1702 of 2005

Between:

A.V.Reddy S/o.Sri A.Raghava Reddy,
R/o Kotambedu Village and Post Menakuru Village Balayapalli Mandal,

Nellore.

..... PETITIONER

AND

1 A.P.S.R.T.C., rep by its Regional Manager
Nellore Region, Nellore.
2 The Depot Manager, APSRTC
Rapur Depot, Rapur, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or writ particularly one in the nature of writ of Mandamus or any other appropriate writ (i) declaring the suspension order No.02/25(1)/2004-RPR Dt.24.1-2005 as illegal, arbitrary Iii) declare the charge sheet No.02/25(1)/2004-RPR Dt.24.1.2005 as illegal and arbitrary and consequently set aside the same.

Counsel for the Petitioner:MR.G.VIDYASAGAR

Counsel for the Respondents: MR.M. MANMADHA REDDY (SC FOR APSRTC)

The Court at the stage of admission made the following :

-

-

-

-

-

-

-

-

ORDER:

For the assault said to have been committed by the petitioner on the co-employee, P.J.Khan, on 23-12-2004, the present impugned order dated 24-01-2005 has been passed by the 2nd respondent herein. Challenging the impugned order dated 24-01-2005, the present writ petition is filed by the petitioner.

The learned counsel for the petitioner vehemently contended that no incidents as alleged in the charge sheet have taken place and that placing an employee under suspension for the trivial incidents alleged to have been taken place is illegal and unjust. Therefore, he prays to set aside the impugned order.

On the other hand, the learned standing counsel for the respondents contended that there is no ground to interfere with the suspension order pending enquiry.

This court does not interfere with the suspension order pending enquiry, unless the person who issued the order of suspension has no jurisdiction or authority to pass that order. The jurisdiction or authority of the Depot Manager who passed the impugned order is not under challenge. Whether the alleged incidents have taken place or not are required to be enquired into by the disciplinary authority.

Therefore, the writ petition is disposed of directing the 2nd respondent to complete the enquiry within a period of one month from the date of receipt of a copy of this order.

_____

K.C.BHANU, J.

Dated 04-02-2005.

SKMR

..... REGISTRAR

To

1 The Regional Manager, A.P.S.R.T.C.,
Nellore Region, Nellore.
2 The Depot Manager, APSRTC
Rapur Depot, Rapur, Nellore District.

3 2 CD copies